

**COHEN, LaBARBERA & LANDRIGAN, LLP**  
**ATTORNEYS AT LAW**

RONALD J. COHEN (NY BAR & LL.M. IN TAXATION)  
STEPHEN P. LA BARBERA (NY BAR)  
THOMAS C. LANDRIGAN (NY & NJ BAR)

PHILLIP C. LANDRIGAN (NY BAR)  
PATRICK D. HICKEY (NY BAR)  
SARAH M. KLEIN (NY BAR)  
SUSAN M. YEOMAN (PARALEGAL SUPERVISOR)

ELISSA A. PERRY (NY BAR)  
JOSHUA A. SCERBO (NY & NJ BAR)  
KYLE SEISS (NY & NJ BAR)

40 MATTHEWS STREET, SUITE 203  
GOSHEN, NEW YORK 10924  
TELEPHONE (845) 291-1900  
FACSIMILE (845) 291-8601\*  
EMAIL: [Call for Individual Email Addresses](#)  
\*Not for Service of Process

April 27, 2018

Sharon E. Kivowitz, Esq.  
Assistant Regional Counsel  
Office of the Regional Counsel – Region 2  
United States Environmental Protection Agency  
290 Broadway, 17<sup>th</sup> Floor  
New York, New York 10007-1866

**Re:     *Administrative Order for a Remedial Design Index No. CERCLA-02-2018-2015;  
New Cassel/Hicksville Contaminated Groundwater Superfund Site, OUI***

Dear Ms. Kivowitz:

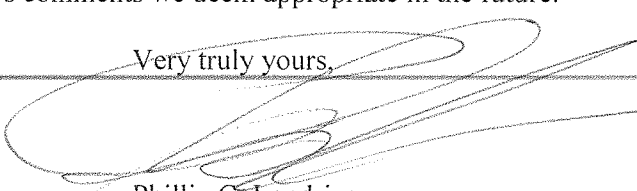
On behalf of Tishcon Corporation and Patel Trust July 29, 2017, we submit the following comments to the Unilateral Administrative Order (UAO) issued by the United States Environmental Protection Agency (USEPA) on March 22, 2018 in the above-captioned matter and in light of the new data provided by the government at and after the April 17, 2018 conference.

The UAO presents virtually the identical issues raised in our comments submitted September 23, 2013 (attached) (together with others) to the Proposed Remedial Action Plan. The Record of Decision issued shortly thereafter did not adequately address those concerns. While during our initial meetings with EPA after issuance of the ROD data and other technical information were presented causing EPA to “invite” certain upgradient PRPs to our subsequent meetings. The EPA subsequently took the untenable position that the upgradient PRPs were not responsible parties regarding OUI.

It has been and remains our position that the EPA has not availed itself of the opportunity to collect or even review available data sufficient to make informed decisions as to the need for and nature of remedial action at the site.

We hereby restate all of the comments in the September 23, 2013 joint submission and reserve the right to rely on such of the other PRP’s comments we deem appropriate in the future.

Very truly yours,

  
Phillip C. Landrigan

PCL/co